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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,569	11/06/2000	Paul E. Bender	PA000028	9667
23696	7590	10/06/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			TRAN, TUAN A	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,569

Applicant(s)

BENDER, PAUL E.

Examiner

Tuan A Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 50-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-49 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani et al. (6,574,211) in view of Gustafsson et al. (6,643,275) & Kanterakis et al. (6,389,056) and further in view of Meyers et al. (EP 1001572).

Regarding claim 41, Padovani discloses a method and apparatus for establishing a connection between an access terminal and an access network (See figs. 1-2), comprising: demodulating a received access probe from the access terminal (See fig. 8); and receiving an access message from the access terminal (See fig. 8); then transmitting a grant message to the access terminal, wherein the grant message inherently comprising an access probe acknowledgement message (See fig. 8 and col. 29 line 63 to col. 30 line 10). Padovani further discloses the access network is capable of determining a data rate at which to transmit the data to the selected access terminal base on the data request message received from the access terminal (See col. 7 lines 49-53, col. 12 line 65 to col. 13 line 7). However, Padovani does not mention that the access network transmits a fast access indicator to the access terminal after comparison of the first portion to a threshold value and the access probe message comprises data rate control information and the grant message further comprises traffic channel assignment message and

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reverse traffic channel acknowledgement. Gustafsson teaches a random access in a mobile telecommunication system wherein access probe preamble (preamble) and access probe message (access message) are transmitted in stages by the access terminal to the access network, and wherein the access network demodulates and compares the access probe preamble (preamble) to a threshold value prior receiving the access message (See figs. 6-7 and col. 9 line 45 to col. 10 line 34). Kanterakis teaches a system equipment (the access network) transmits an acknowledge message (ACK) to the user equipment (access terminal) indicating to the user equipment that portion of the probe signal (the preamble) has been successfully detected (See fig. 10 and col. 8 line 60 to col. 9 line 2). Meyers teaches a quick assignment method for multiple access wherein the access probe message comprises data rate control information (See col. 3 lines 28-39) and the access network transmits a grant message to the access terminal, wherein the grant message comprises traffic channel assignment message and reverse traffic channel acknowledgement (See col. 2 line 54 to col. 3 line 10). Since Padovani & Gustafsson & Kanterakis & Meyers teach about the access method for establishing a connection between the access terminal and the access network that utilized CDMA; therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Gustafsson & Kanterakis & Meyers respectively in modifying the Padovani's system for the advantage of providing a time efficiency and properly process during the connection setup stage between the access terminal and network.

Claims 1, 7-10, 14, 16-20, 21, 29, 35-37 are rejected for the same reasons as set forth in claim 41.

Claims 58-59 are rejected for the same reasons as set forth in claim 41, as apparatus.

Regarding claim 42, Padovani & Gustafsson & Kanterakis & Meyers disclose as cited in claim 41. Kanterakis further teaches the system equipment (the access network) transmits an acknowledge message (ACK) to the user equipment (access terminal) indicating to the user equipment that portion of the probe signal (preamble) has been successfully detected (See fig. 10 and col. 8 line 60 to col. 9 line 2), wherein the ACK comprises at least 1 bit.

Claims 2, 22 and 30 are rejected for the same reasons as set forth in claim 42.

Regarding claims 43-46, Padovani & Gustafsson & Kanterakis & Meyers disclose as cited in claim 41. Padovani further discloses the step of covering the fast access indicator using a predetermined fast access indicator Walsh code having a duration of 32 or 64 chips and discovering the data rate control information using a predetermined fast connect reverse traffic channel Walsh cover (See figs. 2, 3A, 3B and col. 9 lines 4-67, col. 10 line 60 to col. 11 line 35, col. 22 line 56 to col. 23 line 53).

Claims 3-6, 15, 23-25 and 31-34 are rejected for same reasons as set forth in claims 43-46.

Regarding claim 47, Padovani & Gustafsson & Kanterakis & Meyers disclose as cited in claim 41. Padovani further discloses the first portion of access probe is received on a first fast access channel of a plurality of fast access channels that are staggered in time, and wherein the fast access indicator is transmitted during a fast access indicator slot immediately following the first portion (See fig. 8 and col. 35 lines 15-34).

Claim 11, 26 and 38 are rejected for the same reasons as set forth in claim 47.

Regarding claim 48, Padovani & Gustafsson & Kanterakis & Meyers disclose as cited in claim 41. Padovani further discloses the step of spreading a first access channel of the

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plurality of fast access channels, wherein each of the plurality of fast access channels using a different PN long code, and wherein the first portion of an access probe is received on the first access channel (See fig. 8 and col. 11 lines 21-35, col. 35 lines 15-34).

Claims 12, 27 and 39 are rejected for the same reasons as set forth in claim 48.

Regarding claim 49, Padovani & Gustafsson & Kanterakis & Meyers disclose as cited in claim 41. Padovani further discloses the step of disspreading the first portion of an access probe using a PN long code having a long code mask based on a system time value (See fig. 6 and col. 10 line 60 to col. 11 line 35, col. 32 line 53 to col. 33 line 57).

Claims 13, 28 and 40 are rejected for the same reasons as set forth in claim 49.

Response to Arguments

Applicant's arguments with respect to claims 1-49 and 58-59 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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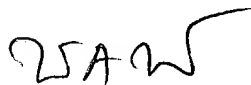
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Tuan Tran

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LESTER G. KINCAID
PRIMARY EXAMINER